

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

February 17, 2009

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, P.J., Rothschild, J., Bauer, J. (Assigned) and P. Silva, Deputy Clerk.

Each of the following:

B197577 People v. Khayatian
B200983 People v. Brown
B202540 People v. Williams, Joel
B203616 People v. Jones & Williams, Robert
B203813 People v. Martinez
B203986 People v. Jackson
B204141 People v. Deakins
B205485 People v. Guzman
B205510 People v. Merchain
B205708 People v. Chandler
B205870 People v. Kropp
B206342 People v. J. F.
B206626 People v. Guerrero
B206875 People v. N.J.
B207144 People v. Gutierrez
B207280 People v. Anderson
B207291 People v. Martin
B207335 DCFS v. V.S.
B207655 DCFS v. A.T.
B208090 DCFS v. J.P.
B208444 People v. Pitts
B208458 People v. Ramirez
B208471 DCFS v. L.J.
B208678 DCFS v. J.F.
B208745 DCFS v. R.S.
B212195 R. M. v. SCLA (DCFS, rpi)

Argument waived, cause submitted.

DIVISION ONE (continued)

B203065 Pharris v. City of Lancaster

Matter continued to March 17, 2009.

Each of the following:

B203081 Diaz et al., v. Ajrab
B204319 Tara v. City of West Hollywood
B207647 In re Webb on Habeas Corpus

Matter continued to March 18, 2009.

B194559 CTG Investments, Inc. v. Hossain

Matter ordered off calendar, case dismissed.

B213115 A.H.,
v.
Superior Court, Los Angeles County
(Department of Children and Family Services, r.p.i.)

Merits:
Argued by A.H., petitioner in propria persona and by Timothy M.
O'Crowley, Deputy County Counsel for real party in interest. Cause
submitted.

Weisberg, J. (Assigned), assumes the bench.

B198864 Guillermo Torrero et al.
v.
Frank Gonzalez

Merits:
Argued by Steven P. Scandura for appellants and by Richard J. Radcliffe
for respondent. Cause submitted.

DIVISION ONE (continued)

B201720 People
 v.
 Carlos Manuel Martir

Merits:
Argued by Randi D. Covin for appellant and by Tasha G. Timbadia,
Deputy Attorney General for respondent. Cause submitted.

B205629 Ronald Marinaro
 v.
 State Farm General Insurance Company et al.

Merits:
Argued by Brian M. Grossman for appellant and by Filomena E. Meyer for
respondents. Cause submitted.

B206781 Janet Massoud et al.
 v.
 Ernie Goldberger & Co.

Merits:
Argued by Robert G. Uriarte for appellants and by Timothy L. Neufeld for
respondent. Cause submitted.

B208655 Martina A. Silas
 v.
 Peter R. Dion-Kindem

Merits:
Argued by Peter R. Dion-Kindem for appellant and by Martina A. Silas for
respondent. Cause submitted.

Court in recess.

Court reconvened at 10:44 a.m.

Present: Mallano, P.J., Rothschild, J., Bauer, J. (Assigned) and P. Silva, Deputy Clerk.

DIVISION ONE (continued)

B204960 Percy Matthews
v.
YMCA of Glendale

Merits:

Argued by Percy Matthews for appellant and by Jeffrey Kopcynski for respondent. Cause submitted.

Court adjourned.

B203813 People (Not for Publication)
v.
Martinez

The judgment is affirmed, and the matter is remanded for resentencing.

Mallano, P.J.

We concur: Rothschild, J.
Bauer, J. (Assigned)

B201663 David S. Karton (Certified for Partial Publication)
v.
William Russell Dougherty

The superior court's order of August 8, 2007, is reversed, and the superior court is directed to enter a new and different order both (1) granting Dougherty's motion for relief and (2) vacating the superior court's February 23, 2007, order on Karton's application for a second award of supplemental attorney's fees and costs. The superior court is further directed to enter an order vacating and setting aside, nunc pro tunc, the default judgment entered on August 11, 1999. Appellant shall recover his costs of appeal.

Rothschild, J.

We concur: Mallano, P.J.
 Weisberg, J. (Assigned)

DIVISION TWO

B207185 Los Angeles County, D.C.F.S. (Not for Publication)
v.
M.M. et al.

The juvenile court's jurisdictional and dispositional orders are affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

B200299 Calemine et al. (Not for Publication)
v.
Jared Court Homeowners Association Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B194461 Calemine et al. (Not for Publication)
v.
Samuelson

The judgment is reversed. The judgment is reversed and the matter is remanded. Appellants are entitled to their costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION THREE

B204613 People v. Eddie Venegas (Not for Publication)
B207667 In re Eddie Venegas on Habeas Corpus

The judgment is affirmed and the petition for writ of habeas corpus is denied.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B199555 People (Not for Publication)
 v.
 Devon Maurice McCraw

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B197566 Francis Shivers (Not for Publication)
 v.
 Laura Perrett

The March 9, 2007 order is affirmed. Perrett's request for attorney fees on appeal is denied. Perrett shall recover costs on appeal.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (continued)

B204005 People (Not for Publication)
v.
Donte Maurice Baker

The judgment is affirmed. However, the cause is remanded to the superior court with directions to correct the abstract of judgment to reflect conviction of assault by means of force likely to produce great bodily injury and to prepare and forward to the Department of Corrections and Rehabilitation an amended abstract of judgment reflecting the correction.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B199075 People
v.
Eyle Lambert McCombs, et al

Filed order denying petition for rehearing.

B200878 Trago International Inc., etc
v.
Tyrone Montgomery et al.,

The Court:
Rehearing granted for the purpose of allowing appellants, Tyrone Montgomery, Douglas Lovison, and George Kosty to file an answer to the petition for rehearing filed by respondents Trago International Inc. and Christopher Condon. Appellants shall have 15 days from the date of this order to file an answer.

DIVISION FIVE

B207993 Los Angeles County, D.C. F.S. (Not for Publication)
v.
Maria F. et al

The orders in T.'s case, juvenile court No. CK71612, are affirmed. The judgment in V.'s case, juvenile court No. CK71611, is reversed.

Kriegler, J.

We concur: Turner, P.J.
Mosk, J.

B206139 People (Not for Publication)
v.
Myrna L. Escobar

The judgment is reversed and remanded with directions to the trial court to conduct a Marsden motion. If the trial court finds that defendant has demonstrated good cause for the appointment of new defense counsel, it is to appoint new defense counsel and set the case for retrial; if the trial court finds that defendant has not demonstrated good cause of the appointment to new defense counsel, it is to reinstate the judgment.

Mosk, J.

We concur: Turner, P.J.
Kriegler, J.

DIVISION SIX

B203195 People v. Uribe (Not for Publication)

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

B207286 People (Not for Publication)
v.
Dill

We modify the judgment to strike the 5-year gang enhancement which was imposed on count 1 for attempted premeditated murder. The judgment is further modified to provide that, pursuant to section 186.22, subdivision (b)(5), appellant shall not be eligible for parole until he has served a minimum of 30 years in prison. The trial court shall amend the abstract of judgment to reflect these changes and forward a certified copy of the amended abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

B209746 People (Not for Publication)
v.
Garcia

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

February 17, 2009 (Continued)

DIVISION SIX (continued)

B203578 People (Not for Publication)
v.
Ruiz

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

B208068 Ventura County Human Services Agency (Not for Publication)
v.
K. L. and F. L.

The order terminating parental rights is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B210037 San Luis Obispo Co. Dept. of Social Svcs. (Not for Publication)
v.
R. H.

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION SIX (continued)

B208547 San Luis Obispo Co. Dept. of Social Svcs. (Not for Publication)
 v.
 S. W.

The judgment (orders denying a continuance and section 388 petition and terminating parental rights) is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
 Perren, J.

B201821 People (Not for Publication)
 v.
 Arellano

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B204402 People (Not for Publication)
 v.
 Beltran

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Yegan, J.

February 17, 2009 (Continued)

DIVISION SIX (continued)

B201453 People v. Soto (Not for Publication)

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

B206383 People
v.
Holm

Filed order denying petition for rehearing.

DIVISION SEVEN

[illegible]

The judgment is modified to reflect the imposition of a single, \$10 crime prevention fee pursuant to section 1202.5, subdivision (a). As modified, the judgment is affirmed. The superior court is directed to prepare a corrected abstract of judgment and forward it to the Department of Corrections and Rehabilitation.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

DIVISION SEVEN (continued)

B201026 People (Not for Publication)
v.
Cano

Judgment is modified to award Cano 349 days of presentence custody credit, 304 actual days and 45 days of conduct credit. As modified, the judgment is affirmed. The superior court is directed to prepare a corrected abstract of judgment and forward it to the Department of Corrections and Rehabilitation.

Perluss, P.J.

We concur: Zelon, J.
 Jackson, J.

B203237 Whittier Union High School District (Not for Publication)
v.
Haven Construction, Inc.
Oliva
v.
Haven Construction, Inc.,

The judgment is reversed, and the matter is remanded to the trial court for further proceedings not inconsistent with this opinion. Oliva and Whittier are to recover their costs on appeal.

Perluss, P.J.

We concur: Woods, J.
Jackson, J.

DIVISION EIGHT

B205791 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 S.K.

The judgment is affirmed.

Rubin, Acting P.J.

I concur: Bigelow, J.
I concur: Flier, J. (Opinion)

B208456 People (Not for Publication)
 v.
 Crown

The judgment is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.
 Bigelow, J.